

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 9, 2004**

DIVISION ONE

B171656 Ilja M. et al. (Not for Publication)  
v.  
Sarkis S.

The judgment is affirmed. Respondent(s) to recover costs.

Suzukawa, J. (Assigned)

We concur:   Mallano, J., Acting P.J.  
                      Vogel (Miriam A.), J.

DIVISION TWO

B168126 Associated International Insurance Co.  
v.  
Montenegro Re LTD

Filed order denying petition for rehearing.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B175831 Children and Family Services v. Christine M.  
B171509 People v. Mouradian  
B174779 People v. Johnson

DIVISION THREE (Continued)

Each of the following (continued):

B172048 People v. Zamora

Argument waived, cause submitted.

B169036     Taper, et al.  
                 v.  
                 Taper

Merits:

Argued by J. Nicholas Cuneo for appellant and by Michael Brouman for respondents. Supplemental briefs due from both counsel by January 24, 2005. Any responses are due by February 7, 2005. Submission deferred.

B173618     People  
                 v.  
                 Spurlock

Merits:

Argued by William L. Heyman for appellant and by Lance C. Winters, deputy attorney general for respondent. Cause submitted.

B171145     Gabr  
                 v.  
                 Fire Insurance Exchange

Merits:

Argued by Charles Sneathern for appellant and by Peder K. Batalden for respondent. Cause submitted.

DIVISION THREE (Continued)

B166798     Balandran, et al.  
              v.  
              Labor Ready, Inc., et al.

Merits:  
Argued by David R. Ongaro and Robert S. Blumberg for appellants and by  
Jeffrey S. Barron for respondents. Cause submitted.

B168850     Boceta  
              v.  
              Inglewood Unified School District, et al.

Merits:  
Argued by Kathy Fields for appellants and by Henry R. Kraft for  
respondent. Cause submitted.

B172727     Quackenbush  
              v.  
              The Housing Group, et al.

Merits:  
Argued by Eugene Stuart for appellants and by Robert H. Nunnally for  
respondent. Supplemental letter briefs due by January 24, 2005.  
Responses due by February 7, 2005. Submission deferred.

Court recessed at 11:42 a.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy  
Clerk.

Each of the following:

B175173 Children and Family Services v. Leticia L., et al.  
B170335 People v. Aldrich

Argument waived, cause submitted.

DIVISION THREE (Continued)

B167376     People  
              v.  
              Arias, et al.

Merits:  
Argued by Richard Schwarzborg for appellant Arlene Dugmore and by Louis Karlin, deputy attorney general for respondent. Appellant Arias previously waived argument. Cause submitted.

B171676     Foerster  
              v.  
              Bohbot

Merits:  
Argued by Mark Hurwitz for appellant and by Thomas Dunlap for respondent. Cause submitted.

B169291     People  
              v.  
              Romero

Merits:  
Argued by Maxine Wesler for appellant and by Deborah J. Chuang, deputy attorney general for respondent. Cause submitted.

B171182     People  
              v.  
              Springfield

Merits:  
Argued by Leonard J. Klaif for appellant and by Stephanie Brennan, deputy attorney general for respondent. Cause submitted.

December 9, 2004 (Continued)

### DIVISION THREE (Continued)

B175919      Nu West Fabrication and Rubber Supply Company  
v.  
S.C.L.A.  
Southdown, Inc.

Merits:

Argued by Michele Carmeli for petitioner and by Roy G. Weatherup for real party in interest. Cause submitted.

B167088      People  
v.  
McCann

Merits:

Argued by Charlotte Costan for appellant and by Corey J. Robins, deputy attorney general for respondent. Cause submitted.

Court adjourned at 4:16 p.m.

DIVISION FIVE

B171004      People                                  (Not for Publication)  
v.  
Javier Rodriguez

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Mosk, J.

DIVISION FIVE (Continued)

B173190      Los Angeles County, D.C.S.      (Not for Publication)

v.

Cynthia G.,

In re Van Don J. et al

The judgment is affirmed.

Grignon, J.

We concur:    Turner, P.J.

Armstrong, J.

B175268      People      (Not for Publication)

v.

Jovan Taylor

The \$200 parole revocation restitution fine imposed, but stayed, pursuant to Penal Code section 1202.45 is vacated. As modified, the judgment is affirmed.

Grignon, J.

We concur:    Turner, P.J.

Armstrong, J.

B170407      People      (Not for Publication)

v.

Klaus Ellingsen

The judgment is affirmed.

Turner, P.J.

I concur:

Grignon, J.

I concur and dissent:

Mosk, J. (Opinion)

## December 9, 2004 (Continued)

## DIVISION FIVE (Continued)

B174784 People v. Julio Aquil (Not for Publication)

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B174344 People (Not for Publication)  
v.  
Russell Statum

The sentencing minute order and abstract of judgment are ordered corrected to show that the restitution fine has been satisfied. The judgment is affirmed in all other respects.

Armstrong, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B170071 Marshall B. Drazen et al. (Not for Publication)  
v.  
Enco Structural Builders, Inc., et al.

The judgment is affirmed. Defendants shall recover their costs and attorney fees on appeal, in an amount to be determined by the trial court.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

DIVISION FIVE (Continued)

B166797      Rockwell Medical Supply Inc.      (Not for Publication)  
v.  
Gary T. Cirmami M.D.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.  
                  Grignon, J.

B164022      TME Enterprises, Inc. and James L.      (Certified for Partial Publication)  
v.  
Norwest Corporation et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:    Turner, P.J.  
                  Grignon, J.

B171379      Jerry F. McCosky and Mary L. McCosky      (Not for Publication)  
v.  
Lena Holman aka Lena Holman Snowden

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:    Turner, P.J.  
                  Grignon, J.



DIVISION FIVE (Continued)

B172997      Yolanda Enriquez                      (Not for Publication)  
                 v.  
                 A-L Financial Corp et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:   Grignon, Acting P.J.  
                 Armstrong, J.

B178402      Don Felder                      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Eagles, LTD., et al., r.p.i.)

A peremptory writ shall issue directing respondent court to vacate its order of September 20, 2004, granting defendants' motions to compel arbitration, and enter a new and different order denying the motions. Costs are awarded to Felder.

Mosk, J.

We concur:   Grignon, Acting P.J.  
                 Armstrong, J.

B175036      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Colleen P.,  
                 In re Riva W.

The judgment is affirmed.

Mosk, J.

We concur:   Grignon, Acting P.J.  
                 Armstrong, J.

December 9, 2004 (Continued)

## DIVISION FIVE (Continued)

B172777 People (Not for Publication)  
v.  
Travis Barnett

Upon issuance of the remittitur, the trial court is to personally ensure the abstract of judgment to comply with its order doubling the criminal threats two-year sentence to four years and noting that it is to be served prior and consecutive to the indeterminate sentences in count 2 including the section 12022.53, subdivision (d) enhancement. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

## DIVISION SIX

Court convened at 10:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

Each of the following:

B163293 People v. Compton  
B168269 People v. Cuevas  
B170504 People v. Clark

Argument continued to January, 2005

B173125      People v. Lopez

Matter off calendar; appeal dismissed.

Each of the following:

B170762 People v. Wagner

DIVISION SIX (Continued)

Each of the following (continued):

B171443 People v. Andres S.  
B171634 People v. Green  
B172451 People v. Renfro  
B173085 People v. Tenorio  
B173186 People v. Hernandez  
B173352 People v. Carson  
B173458 People v. Moore  
B173771 People v. Trang & Nguyen  
B173773 People v. Lopez  
B173838 People v. Pinto  
B174140 People v. Robinson  
B174392 People v. Jones  
B174732 People v. Underwood  
B175750 People v. Whitmore

Argument waived, cause submitted.

B169818     People  
              v.  
              Cardenas

Merits:  
Argued by David F. Glassman, Deputy Attorney General, for respondent.  
Argument previously waived by appellant. Cause submitted.

B172763     People  
              v.  
              Watson

Merits:  
Argued by Linda Rush for appellant and by Susan S. Kim, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B172260     People  
              v.  
              Givens

Merits:

Argued by Danalynn Pritz for appellant and by Margaret E. Maxwell, Deputy Attorney General, for respondent via video conference. Cause submitted.

B157888     People  
              v.  
              Maldonado & Aleman

Merits:

Argued by Fay Arfa for appellant Maldonado via video conference; by Jill D. Lansing for appellant Aleman via video conference; and by Michael R. Johnsen, Deputy Attorney General, for respondent via video conference. Cause submitted.

Gilbert, P.J. left the bench.

B170078     People  
              v.  
              Remijio & Castro

Merits:

Argued by Marcia Levine for appellant Remijio; by Christopher A. Darden for appellant Castro; and by David F. Glassman, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned at 11:40 P.M.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock and John Lepo, Deputy Clerk.

B170784      Gunderson  
                  v.  
                  Republic Industries

Merits:  
Argued by D. Wayne Leech for appellant and by Daniel Katz for  
respondents. Cause submitted.

B170644      Union of American Physicians & Dentists  
                  v.  
                  LA County Employee Relations et al.

Merits:  
Argued by Lawrence Rosenzweig for appellant and by Steven Berliner for  
respondents. Cause submitted.

B169623      Namihira  
                  v.  
                  Namihira

Merits:  
Argued by Marjorie Fuller for appellant and by Michael Stoller for  
respondent. Cause submitted.

DIVISION SEVEN (Continued)

B175269      Los Angeles County, D.C.S.  
                 Cecil and Sarah D.,  
                 v.  
                 David D., et al.

Merits:

Argued by Jerry Custis, Deputy County Counsel and John Dodd for appellants and by Michael Salazar and Tyna Orren for respondents. Cause submitted.

B168871      Dickson  
                 v.  
                 Ticketmaster

Merits:

Argued by J. Patrick Fleming for appellant and by Elena Baca for respondent. Cause submitted.

B171782      Woodruff  
                 v.  
                 Elrousan et al.

Merits:

Argued by Edward Horowitz for appellants Elrousan et al., by Roger Diamond for appellant Jajieh, and by Lisa Maki for respondent. Cause submitted.

B172888      Maupin  
                 v.  
                 Cleland and Outland

Merits:

Argued by Stephen Goldberg for appellant and by Sidney Lanier for respondents Outland. Eric Schiffer appeared for respondents Cleland and waives argument. Cause submitted.

DIVISION SEVEN (Continued)

B176457      Gov  
                 v.  
                 Superior Court, Los Angeles County  
                 (The People, r.p.i.)

Merits:  
Argued by Allison Adams for petitioner and by John Yang, deputy attorney general, for real party in interest. Cause submitted.

B170030      Lee  
                 v.  
                 Hospital of the Good Samaritan

Merits:  
Argued by Terran Steinhart for appellant and by Curt Cutting for respondent. Cause submitted.

Court recessed at 12:31 p.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and John P. Lepo and Eva McClintock, Deputy Clerk.

B173442      Park Place Associates  
                 v.  
                 LCP Associates et al.

Merits:  
Argued by Robert Baker for appellants and by John Pelle for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B172562 Christensen et al.  
v.  
Brar et al.

Merits:  
Argued by Peter Godfrey for appellants and by no appearance for respondents. Cause submitted.

B174022 Embree  
v.  
Embree

Merits:  
Argued by Ronald Labran for appellant and by Thomas Hogue for respondent. Cause submitted.

B172138 Miller  
v.  
Public Administrator  
American Contractors

Merits:  
Argued by Marjorie Mickels for appellant and by David Skjeie and William Allard for respondents. Cause submitted.

B172009 A/R Capital et al.  
v.  
Good Nite Inn, et al.  
Santa Monica Properties

Merits:  
Argued by Cecil McNab for appellant and by Kenneth Chyten and David Lynn for respondents. Cause submitted.

Court adjourned at 3:10 p.m.



DIVISION SEVEN (Continued)

B170495 Vom Dorp  
v.  
Vom Dorp

Filed order denying petition for rehearing.

B168112 Hubner  
v.  
Hubner

Filed order certifying opinion for publication.

DIVISION EIGHT

B170092 People (Not for Publication)  
v.  
Cerde

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.  
Flier, J.

B169381 People (Not for Publication)  
v.  
Gilliam

The order denying appellant a new trial is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

DIVISION EIGHT (Continued)

B170438      Arthur S. Lujan etc.                      (Certified for Publication)  
                 v.  
                 Shala Minagar etc.

For the reasons set forth above, the judgment is reversed. The matter remanded to the trial court with directions to hold a hearing concerning Dianella's damages, if any, under section 6310, subdivision (b), then enter a new and different judgment for the Commissioner. Appellant to recover its costs on appeal.

Rubin, J.

We concur:    Cooper, P.J.  
                 Boland, J.

B170957      People    (Certified for Partial Publication)  
                 v.  
                 Earl Cobb

We direct the clerk to modify the sentence to reflect a term of 50 years to life comprised of 25 years to life for the murder plus a consecutive 25 years to life subdivision (d) enhancement, to amend the abstract of judgment accordingly, and to forward a copy of the amended abstract of judgment to the Department of Corrections. In all other respects, we affirm the judgment.

Rubin, Acting P.J.

We concur:    Boland, J.  
                 Flier, J.

December 9, 2004 (Continued)

## DIVISION EIGHT (Continued)

B168802 People (Not for Publication)  
v.  
Cervantes

The judgment of the trial court is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.